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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,293	08/27/2001	Vieri Vanghi	4740-009	5129

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EXAMINER

SMITH, CREIGHTON H

ART UNIT PAPER NUMBER

2645

DATE MAILED: 06/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

940293

Applicant(s)

Vanghi, V.

Examiner

Smith, C. H.

Group Art Unit

2645

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-63 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 20-63 is/are allowed.
- ☐ Claim(s) 1, 13, 41, 56 is/are rejected.
- ☐ Claim(s) 2-12, 15-19 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Claims 41 & 56 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

In claims 41 and 56, applicant has used the letters "MAC" without identifying what these letters stand for. In response to the Office action, applicant should include an explanation of these letters.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 13, are rejected under 35 U.S.C. 102(e) as being anticipated by
Esteves et al., U.S. Patent # 6687510

Esteves et al disclose a method of determining how much power to allocate to Reverse Link Power Control channels from the base station based upon the Data Rate Control messages transmitted to the base station. In col. 9, Esteves et al disclose that the base station determines whether the remote stations are transmitting with too much or too little power, then the base station will change the amount of power that is required on the reverse link.

Claims 2-12, 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2645

Esteves et al do not disclose applicant's "estimating reception conditions." Esteves does disclose in col. 10, lines 25-40, that their "quality value" is adjusted to compensate for the fact that the Data Rate Control message is not current. Esteves quality is defined as the carrier-to-interference ratio. No where does Esteves disclose the use of "estimating reception conditions" .

Claims 20-63 are allowed.

Esteves et al fail to disclose "estimating" the Reverse Power Control in the access terminals. Esteves never does any "estimating." Nor does Esteves disclose "determining an aggregate RPC channel power.

Any inquiry concerning this communication should be directed to Creighton h Smith at telephone number 308-2488.

21 June '04



Creighton h Smith
Primary Examiner
Art Unit 2645